

A F F I D A V I T

STATE OF New Mexico)
) SS.
COUNTY OF Bernalillo)

I, Milton Rodriguez, being duly sworn, depose and say as follows:

1. My name is Milton Rodriguez, and I am a licensed private investigator in New Mexico.
2. Attached as Exhibit A is my resume, which accurately recites my training and experience in investigations.
3. I conducted certain investigations relating to the case of United States v. Dana Jarvis, et. al., District of New Mexico case no. 05-CR-1849-JH. The following paragraphs describe my findings regarding how difficult it would be to conduct surveillance at those locations.
4. On March 21, 2009, Sue Doucette and I traveled to Santa Fe, New Mexico, where we took photographs of two addresses.
5. 1013 Camino Carlos Rey, Santa Fe, New Mexico 87507: The first address, located at 1013 Camino Carlos Rey, is a stuccoed pink adobe style home with turquoise trim. It is located in a residential neighborhood with street access and exit from two directions.

There are two nearby parks in the area, one located east, near Alamosa and Camino Carlos Rey, and the other west, of the residence in question, at Siringo Road and Camino Carlos Rey. Both are within a quarter mile and both offer a location where surveillance using binoculars, video, and still frame cameras is possible.

The driveway leading up to the residence is short and easily and clearly viewable from the street as well as the above mentioned parks.

There are utility poles on the street and at the rear of the property that would have offered clear views of the property and residence with the use of pole cameras.

Aerial surveillance is also feasible because of clear unobstructed views from above. The Santa Fe Airport is located south of Santa Fe and air traffic would not be noticed.

6. 28 Quail Run Drive, Santa Fe, New Mexico 87508: This property, which was vacant when I observed it, is located in a rural open-space type neighborhood with a dirt road leading into the subdivision. The address is located at the southwest corner of the intersection of Quail Run Drive and Willow Road. Surveillance and monitoring of travelers using this road could have been set up from strategic placed teams in the area.

Nearby hills offer clear views of the property which is surrounded by a wooden latilla fence. There are at least three utility poles in the area where surveillance pole cameras could have been placed. Views from these pole cameras would have offered clear, unobstructed views of what was occurring on the property without knowledge of the occupants or their neighbors.

At 22 Oak Street, there is a Utility Box service location which offers a clear view of 28 Quail Run. This location sits high and away from the property. It is a prime location for a pole camera or surveillance team to set up under the guise of utility workers.

Aerial viewing or monitoring would have also been a feasible source of surveillance since the property can be clearly seen from a good distance in the air. Again, the Santa Fe Airport is located nearby.

7. 5 Lauro Road, Santa Fe, New Mexico 87508: On March 26, 2009, I located 5 Lauro Road, Santa Fe, New Mexico. This property is located in the El Dorado subdivision located approximately thirteen miles from Santa Fe, on the way to Las Vegas, New Mexico. The residence is currently vacant.

The residence can be accessed from two directions on Lauro Road. East Avenida Eldorado is positioned behind the house providing surveillance opportunity of this residence.

Although no utility power poles are in the area, a utility box is at the front of the property where surveillance equipment or a surveillance team disguised as utility workers can set up.

A hill, located to the north of El Dorado, offers a good location for surveillance through the use of telescopes, binoculars, video and still cameras. A camouflaged surveillance team could hike into the area and monitor the residence without detection from the occupants or neighbors in the area.

At the corner of Aster Road and Avenida Eldorado, located at the rear of 5 Lauro Road, is another prime location for a surveillance team to set up. This is near an open field where teams disguised as plumbers, utility workers, or a highway crew could easily set up to watch the residence as well as cars entering Lauro Road.

El Dorado subdivision can be easily surveilled through the use of aircraft which

can monitor the area from a good distance.

8. 3 Dovel Place, Santa Fe, New Mexico 87508: 3 Dovel Place is also located in the El Dorado subdivision. This residence sits at the corner of Dovel Road and Dovel Place, a short distance from Avenida Vista Grande. Avenida Vista Grande is a main arterial roadway leading into El Dorado.

Surveillance of this area could be conducted from the Avenida Vista Grande area or from a cooperating neighbor's property. Although there are many pinon trees surrounding the residence, surveillance through the use of binoculars, scopes, video and still cameras make it feasible.

"High-line poles," are erected at the rear of the property. These poles offer a good vantage point for pole cameras or some other type surveillance equipment that may be available to law enforcement.

Aerial surveillance in this area is again a good option because of the vast area that can be seen from the air.

9. 13 Enebro Road, Santa Fe, New Mexico 87508: 13 Enebro Road is located in the El Dorado subdivision as well. There is only one way in on Enebro Road from Avenida Vista Grande. Although the residence is about three tenths of a mile in from Avenida Vista Grande, surveillance can be set up on Avenida Vista Grande to monitor vehicles entering or leaving the residence.

A vacant field is just east of the residence where a surveillance crew, under the guise of contractors, plumbers, surveyors etc., could set up to monitor the residence.

A green utility box sits at the front of the residence offering an ideal location where electronic surveillance equipment could be set up.

On the day I took photographs of this property, I noticed a trash bin, for this residence, was placed at the property line adjacent to Enebro Road for trash service pick up. The bin had already been emptied at the time I took these photographs.

Again aerial surveillance of this residence is feasible.

10. 5 Camerada Road, Santa Fe, New Mexico 87508: 5 Camerada Road is located in the El Dorado subdivision. There are two ways to access Camerada Road. One access point is from Avenida Vista Grande to Lucero Road and the other point of entry is from Avenida Azul.

The residence sits in an open area easily monitored from areas off Avenida Vista Grande with the use of binoculars, telescopes, and video or still cameras.

A green utility box sits to the front of the property. This box offers a place where surveillance equipment could be set up to monitor the residence.

Aerial surveillance of this residence is also feasible.

11. 2710 Vereda Rodiando, Santa Fe, New Mexico 87505: 2710 Vereda Rodiando is located in Santa Fe just west of Rodeo Road in a suburban setting. Although there no utility poles in the area, there are street lamps placed across the street from the residence.

Surveillance of this residence can be conducted from two entrances leading onto Vereda Rodiando. Capitan Loop intersects with Vereda Rodiando at both of these entrances. Disguising surveillance teams to look like city road employees or contractors would give law enforcement the ability to observe this residence.

Aerial surveillance of this address is again ideal since the residence can easily be spotted from the air.

12. 551 West Cordova Road, Santa Fe, New Mexico 87505: 551 West Cordova Road is the address for, "Plaza Sienna," a multiple business building, located across the street from Cordova Shopping Center in Santa Fe. "Mail Call," a post office box and copying business is one of the enterprises located in this building.

Numerous utility poles are in the area, both in front of the store and at the rear of the property. All offer clear views of the building's parking lot and store entrances.

Surveillance can easily be done from a parking spot located across the street at Cordova Shopping Center or from almost anywhere else in this multiple business area on west Cordova Road.

Aerial surveillance is again an option for this address.

13. 10604 Calle de Elena, Corrales, New Mexico 87048: On April 3, 2009, I located 10604 Calle de Elena, Corrales, New Mexico. This residence is located in a residential neighborhood close to the city limits of Albuquerque. There is a utility pole at the back of the yard and a utility box on the street, in front of the house. Both offer clear direct views of this residence.

On Cottonwood Drive, which intersects with Calle de Elena on the south, there is an opening with clear views of the back of the house as well as the backyard. A surveillance crew could be set up at this location, in disguise, to watch the residence. They could also monitor traffic to and from the house from this location.

Aerial surveillance is also an option at this residence.

14. 212 San Clemente Avenue NW, Apt. 1, Albuquerque, New Mexico 87107: 212 San Clemente Avenue NW, Albuquerque, is located off 4th Street north of Candelaria Avenue. It is a two-story apartment complex with four apartments in the building. There are utility poles at the rear of the property that provide clear views of the back of the building.

Across the street are vacant lots that appear to be ready for construction of new homes. These vacant lots offer good surveillance locations with clear views of the apartment building as well as for monitoring traffic to and from the building. Again surveillance crews under the guise of construction or utility workers would be afforded the perfect opportunity to monitor the building and its tenants.

A pickup, with a camper, was parked up the street on San Clemente Avenue and was, for the most part, undetected (that vehicle can be seen in a couple of the photos I took.) Using this type of surveillance tool would certainly have been plausible to monitor the apartment building.

Not a lot of traffic travels on this portion of the street and watching the building would have been easy if not boring.

Aerial surveillance would again have been an option for this address.

15. 639 Kinley Avenue NW, Albuquerque, New Mexico 87102: 639 Kinley Avenue NW, Albuquerque, sits in the middle of a residential neighborhood. Kinley Avenue is a long street with an unobstructed view. Surveillance of the target residence could be done from anywhere on the street using a van or camper type vehicle and binoculars, telescopes, video, and still cameras. There are two ways to access this street and both sides offer good surveillance positions.

Surveillance crews, again under the guise of utility or road workers, would fit perfectly into this type of setting. Utility poles are on Kinley Avenue as well as on the back of the property that offer clear views for pole cameras.

Aerial surveillance of this address is also feasible.

16. 2516 Veranda Road NW, Albuquerque, New Mexico 87107: This condo type of setting is in Albuquerque's north valley area. The location offers many positions for surveillance of the target building as well as for monitoring vehicle traffic to and from the target address. There are two entrances to the condos both having good positions for surveillance.

Veranda Road NW is a long road with clear views of the driveway into the target address. Monitoring from any spot on the road is possible, especially under the guise of utility, road, or construction workers.

On one side of the property, a vacant field is used for agriculture. Approaching

the owner of the property and getting permission to use this property for monitoring purposes would have provided an excellent location for surveillance.

A couple of utility poles in the area also offer surveillance opportunity for pole cameras.

Aerial surveillance of this property is feasible.

17. 1019 S. Camino Del Pueblo, Bernalillo, New Mexico 87004: 1019 S. Camino Del Pueblo is located in the heart of Bernalillo. Camino Del Pueblo is also known as Main Street. There are numerous surveillance positions on Camino del Pueblo from business and street locations.

Across the street is the Coronado building which is now vacant. At one time, this building was used by the Probation and Parole Department in Bernalillo. It offers large windows where one can view the front side of 1019 Camino Del Pueblo.

The back side of 1019 Camino Del Pueblo is 1019B Calle San Felipe where another apartment is located. It too can be monitored from either entrance into Calle San Felipe from Main Street.

There are numerous utility poles in the area, all offering clear views of this address.

Next door is where retired District Court Judge Kenneth Brown lives. Approaching Judge Brown would have resulted in another surveillance position to the property as well as an opportune location for setting up equipment.

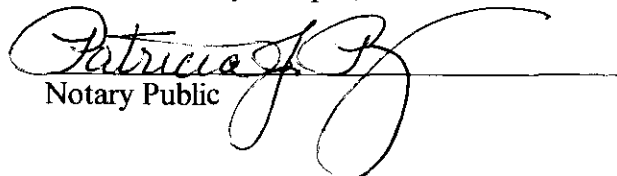
The area is also feasible for aerial surveillance.

18. Further affiant sayeth not.

Dated this 30th day of April, 2009


Signature of Affiant Milton Rodriguez

SUBSCRIBED AND SWORN to before me on this 30th day of April, 2009


Notary Public

My Commission expires:

2/8/11

EXHIBIT A

MILTON A. RODRIGUEZ

P.O. Box 5145 Bernalillo, New Mexico 87004-Telephone (505)867-4039/Cellular(505)459-5842

LICENSES & CERTIFICATIONS

New Mexico Private Investigators License - License No. 1200 I
Notary Public for the State of New Mexico - Commissioned 4/6/06-4/5/10
Licensed Court Reporter - Certification No. T191

PREVIOUS CERTIFICATION

New Mexico Law Enforcement Academy Certification No. 87-0010-P

WORK EXPERIENCE

State of New Mexico Thirteenth Judicial District Court (12/2004-Present)

Courtroom Bailiff

Provide judicial support, maintain courtroom security and order, file and cancel warrants, act as a liaison between law enforcement, legal personnel, juries, the public, and the courts.

Rodriguez Investigations (1997-Present)

Private Investigator

Conducted various forms of investigations for over thirty attorneys and several insurance companies. Experienced in Criminal Defense and Capital Crimes (Federal CJA cases & State Public Defender Contracts) auto accident investigation, personal injury, workmen's compensation and insurance fraud investigations.

Located witnesses using computer databases and "knock and talk" methods. Conducted tape-recorded witness interviews. Performed background investigations. Reviewed evidence held by federal, state, and tribal agencies. Skilled in providing still and video photography. Conducted surveillance. Provided case assessment and review to attorneys. Skilled in reducing interviews and investigations into comprehensive reports. Experienced in providing expert witness testimony. Performed mitigation work on death penalty cases.

Sandoval County Sheriff's Office (11/1987-8/1998)

Detective Sergeant - Criminal Investigations Division

Detective - Narcotics Division

Sheriff's Deputy - Patrol Division

Patrol - Enforced traffic laws, including the detection and apprehension of DWI offenders, the investigation of misdemeanor and minor felonies, and provided other law enforcement services to the community.

Detective - Handled various types of criminal investigations, including homicide, narcotics, rape, assault, child abuse, burglary, property crimes, fraud, embezzlement, forgery, and larceny. Conducted investigations, photographed crime scenes, conducted witness interviews, gathered evidence, attended autopsies, and prepared case for prosecution. Testified in trials.

Worked closely, and in conjunction with, the Bureau of Indian Affairs, the Federal Bureau of Investigations, New Mexico State Police, the Office of the Medical Investigator, 13th, 2nd & 1st Judicial District Attorney's Offices, 13th, 2nd & 1st Judicial District Courts, and several tribal courts.
Performed Internal Affairs investigations.
Supervised crime scenes and staff of 20 deputies.
Member of Region One Task Force

Bernalillo City Police Department 2/1985-11/1987

Police Officer - Patrol Division

Patrolled and enforced State and City laws within the boundaries of the Town of Bernalillo. Investigated motor vehicle accidents, with and without injury, as well as the investigation of misdemeanor and minor felony crimes.

Western Research Investigations (03/1982-02/1985)

Private Investigator

Conducted investigations, surveillance, and background checks on individuals filing insurance claims for workman's compensation injuries.

EDUCATION

University of New Mexico (9/1975-5/1977)

Major: Political Science

Santa Fe High School

High School Diploma: 1975

TRAINING

POLAROID SCHOOL OF LAW ENFORCEMENT IMAGING

Crime and accident scene documentation - 1993

INTEL CORPORATION

High Technology Crime Investigation - 1993

TEXAS A&M UNIVERSITY-LAW ENFORCEMENT TRAINING DIVISION

Death Investigation and Forensic Pathology - 1992

INTERNATIONAL LAW ENFORCEMENT TRAINING INC.

Homicide Investigations - 1992

DEPARTMENT OF PUBLIC SAFETY TRAINING DIVISION

Crime Scene Processing, Collection and Preservation of Evidence - 1992

W.H. HARRIS AND ASSOCIATES

Internal Investigations - 1992

HOCKING TECHNICAL COLLEGE

Homicide Investigation - 1991

DEPARTMENT OF PUBLIC SAFETY TRAINING DIVISION

Crime Scene Photography - 1990

Narcotics Enforcement and Organized Gangs - 1990

RIO RANCHO DEPARTMENT OF PUBLIC SAFETY

Psychological Profiling - 1990

P.H.I. INVESTIGATIVE CONSULTANTS, INC.
Practical Homicide Investigation - 1989
13TH JUDICIAL DISTRICT ATTORNEY'S OFFICE
Child Abuse Investigation - 1988
DEPARTMENT OF PUBLIC SAFETY
Interrogation of Suspects/Interviewing of Witnesses - 1988

SKILLS

- *Thirteen Years Law Enforcement Experience
- *Fluent in speaking, reading, and writing Spanish
- *Skilled in report writing
- *Proficient in surveillance
- *Skilled in use of computers, video equipment, cameras, dictating and transcribing equipment, recording equipment, fax machines and scanners

SPECIAL SKILLS

Familiarity and experience with the Navajo, Mescalero, Dulce, and Jicarilla reservations and Pueblos and their tribal courts processes and records retrieval.

Familiarity with investigations, travel, and records retrieval in Mexico. Experienced with investigations conducted in Arizona, Texas, California, and Colorado

Familiarity and experience with federal, state, and tribal law enforcement agencies.

RODRIGUEZ INVESTIGATIONS

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Fax Transmittal Form

To: **Bill Kirchner, Attorney at Law**
Company:

From: **Patricia Rodriguez**
Date Sent: **4/29/09**

Phone: (520) 792-1613
Fax: (520) 628-1079

Number of Pages: **3**

Client: Bill Reed

Re: Resume for Milton Rodriguez

Dear Mr. Kirchner,

Per your telephonic conversation with Milton Rodriguez this morning, attached is his resume.

If you need anything further, we may be reached at the telephone numbers listed above.

Thank you.